

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

Bobrick Washroom Equipment, Inc.,

Plaintiff,

v.

Scranton Products, Inc.,

Defendant.

Civil Action No. 3:14-CV-00853-RDM
Hon. Robert D. Mariani

SPECIAL MASTER DISCOVERY ORDER NO. 7

On May 15, 2024, counsel for Bobrick Washroom Equipment, Inc. (“Bobrick”) and counsel for Scranton Products, Inc. (“Scranton Products”) participated in a hearing via conference call. One of the issues addressed during the hearing was Scranton Products’ May 8, 2024 motion to partially quash Bobrick’s April 26, 2024 subpoena served on non-party Intertek Testing Services NA, Inc. (“Intertek”) (ECF No. 781). At the May 15, 2024 hearing, I indicated my intention to grant the motion to quash to the extent the subpoena sought production of records concerning testing of products other than products produced by Scranton Products or by Bobrick. (Tr. of May 15, 2024 hearing at 28: 22-24 (“I would quash the subpoenas to the extent they seek testing information for products other than Bobrick's or Scranton Products”). Since the hearing, counsel have sent emails elaborating on their competing contentions of the relevance of the testing of other competitors’ products. Having carefully considered the renewed arguments, I

remain convinced that the proper scope of discovery on the penultimate issue of whether Scranton Products has breached the parties' agreement is limited to the testing of Scranton Products' and Bobrick's products, and not whether other manufacturers' bathroom partitions meet the NFPA 286 testing standard. Scranton Products' use of that standard to test other competitors' products is not a tacit admission by Scranton Products that NFPA 286 is the proper standard.

NOW, THEREFORE, this 16th Day of May, 2024, IT IS HEREBY ORDERED THAT:

1. Scranton Products' motion to partially quash the subpoena served on non-party Intertek (ECF No. 781) is **GRANTED**.
2. Intertek is relieved of its obligation to produce any documents or information concerning any non-party partition manufacturer.

/s/ Thomas I. Vanaskie
Thomas I. Vanaskie
Special Master